PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Theodore W. Watler, et al.	**Examiner:**	Willie J. Daniel, Jr.
Serial No.	09/915,203	**Group Art Unit:**	2617
Filed:	July 23, 2001	**Docket No.**	027207-071201
Customer No.:	33717	**Confirmation No.:**	5279
Title:	MULTIPLE VIRTUAL WALLETS IN WIRELESS DEVICE		

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Name: Angela Williams

LETTER SUBMITTING REMARKS WITH PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Dear Sir/Madam:

This paper is being filed with a Pre-Appeal Brief Request For Review and a Notice of Appeal. Applicants seek formal review by a panel of Examiners of the rejections of claims 1-5, 7-9, 13-16, 18-20, 23-26, 28, 29, 32, 33, 35, 36 and 40-45 in the Final Office Action dated January 26, 2010.

Summary of Claimed Invention

The pending independent claims are directed to respective wireless devices, methods or systems for handling a plurality of accounts, each with an account balance, to be internally stored, managed and charged within a wireless device. In this manner, all accounting operations associated with use of the wireless device are performed within the wireless device itself, as opposed to traditional cell phone billing platforms in which accounts are managed and billed on

the communications network side. In another aspect of these claims, management of the plurality of accounts includes allowing the user to adjust the account balances by transferring amounts amongst the internal accounts. In Applicants' invention, calculation of communication charges is also done within the wireless device with the calculated charge being applied within the wireless device to the appropriate internal account balance. The internal account which is charged can be selected in multiple ways, including by the wireless device user or automatically based upon an algorithm. Such an algorithm could, for example, select the internally stored account based on the origin or destination of the communication. In one preferred embodiment, the internally stored accounts correspond to a first and second line. The first line might be used, for example, for business calls while the second line is used for personal calls.

§ 103 Rejections Based on *Dent* and *Martineau*

Dent Fails to Teach Charging Multiple Internally Stored Accounts

Applicants traverse the characterization of *Dent* in the Final Office Action as disclosing a wireless device having software for calculating charges for a communication involving the wireless device and then charging one of a plurality of internally stored accounts for the communication. It is respectfully submitted that *Dent* fails to teach or suggest charging account balances stored in internal accounts that are maintained on the wireless device.

Dent discloses a multiple-mode communications terminal (e.g., radiotelephone) that assists a subscriber to multiple communications systems (e.g., satellite or cellular) to use the least costly communications system. *Dent* discloses that the phone may connect to either the satellite or cellular communications system for a particular call based on the least costly available communications system. In order to select the least costly alternative, tariff information for each communications system is stored in the phone along with certain critical values (e.g., number of "free" monthly minutes) and the billing cycle dates at which "free monthly minutes" are replenished. Means in the phone track the communication units used during each billing cycle to determine when a tariff changes (e.g., when "free" monthly minutes are exhausted). For each incoming or outgoing communication, means in the phone compare the then applicable tariff for each communications system to determine the least costly alternative. The comparison is used to

either select the least costly available communications systems or to inform the user so the user can make the selection.

Although *Dent* tracks communication units for multiple different communication systems to determine the current applicable rate and to select the least costly available communications systems, *Dent* fails to teach or suggest that the user's account balance for communications is maintained internally within the phone itself and that the account balance is debited or charged internally within the phone. In contrast, *Dent* discloses a conventional type system in which user account balances must be stored, maintained and charged on the communication network side and not within the phone itself. Evidencing the fact that *Dent* does not manage and charge internally stored accounts within its phone, Applicants note that *Dent* specifically discloses that its tariff management operations within the phone are ended when only one system can handle the communication being made. *See* col. 8, lines 50-53 and Block 925 of Fig. 9A of *Dent*. Thus, when only one communication system (i.e., cellular or satellite) is available, then *Dent* discloses that communication is initiated with the solely available system and no further tariff management operations are performed by the phone. By allowing a communication to be initiated and by not performing further tariff management operations when only one system is available, then charges for such communication of the *Dent* phone must be tracked on the communication network. From such teaching of *Dent*, it is evident that *Dent* does not store, maintain and charge internal account balances within the phone itself, or else tariff management operations would always be performed.

Rather, *Dent* adheres to the conventional wisdom of central billing systems with monthly bills and billing cycles (see, Dent patent, col. 5, lns. 41-44; col. 6, lns. 2-5; col. 8, lns. 42-45). It is telling that *Dent* discloses that the radio telephone system can broadcast a signal indicating a transition to a new billing period. (see, Dent patent, col. 5, ln. 66 - col. 6, ln. 5). This disclosure indicates *Dent's* recognition that his method would provide the subscriber with inaccurate selection information if the tracking done by the terminal was not synchronized with the tracking done by the system where the account charged for a communication is maintained. While Dent tracks or shadows communication units used during a billing cycle for multiple communication systems in order to select a cheaper alternative for a particular communication, *Dent* does not disclose software within the wireless device that: (1) internally stores a plurality of accounts on the wireless

device (each with an internal account balance), (2) allows a user to adjust the account balances by transferring amongst the internal accounts and (3) selectively charges one of the plurality of internally stored account balances with a charge calculated within the wireless device.

Martineau Fails to Disclose Transferring Amounts Between Internal Accounts

It is admitted in the Office Action that *Dent* fails to disclose allowing for the transfer for amounts amongst a plurality of internally stored accounts that each having an internal account balance, where *Martineau* is cited as curing this deficiency of *Dent*. However, *Martineau* discloses only a single internal account balance.

Martineau discloses a wireless telephone having a SIM card and a prepaid card. The user purchases a prepaid card having prepaid units. Upon insertion of the prepaid card into the wireless telephone, prepaid units can be read off the prepaid card and used by operations performed by the SIM card. As the wireless phone is used, the SIM card calculates charges and deducts the charges from the prepaid card. Only a single internal account balance is stored on the prepaid card. *Martineau* teaches that telephone service based on a stored internal account within its phone is only allowed if the prepaid card itself has units left (see col. 6, lines 4-8 of *Martineau*). If the prepaid card is depleted of minutes, no other internal account in *Martineau* can be used for charges. Thus, contrary to the assertion in the Office Action, prepaid units cannot be transferred from the prepaid card to another internal account having another internal balance.

Although *Martineau* describes using a SIM card to process prepaid amounts read from a prepaid card and, based upon computations made by the handset, write a new decremented balance on the prepaid card, this can hardly be characterized as a transfer among internally stored account balances. At most, there is only one account balance in *Martineau* and that is the representation of remaining prepaid units on the prepaid card. The phone will not operate based on an internally stored account unless there are remaining prepaid units on the prepaid card. In *Martineau*, an account balance cannot simply be transferred from the prepaid card to the SIM card, such that an internal account balance is maintained on both the SIM card and the prepaid card and charges could be then applied to a balance stored on the SIM card. As the phone is used, prepaid units are

only decremented internally from the prepaid card. The phone returns to restricted mode when there are no more units remaining on the prepaid card.

The function of the SIM in *Martineau* is to perform a data security function for the prepaid units stored on the prepaid card, not an account transfer function. The mere transfer of information from one physical memory to another is not a transfer of amounts between accounts. There is no separate account balance that is maintained on the SIM card of *Martineau*. There are other indicia in *Martineau* that there is no transfer between accounts. For example, the total amount of the remaining prepaid units is always read from the prepaid card into the SIM. This function would not serve the real world, where transfers between accounts typically involve only a portion of the balance from the sending account. Nor does the representation of remaining prepaid units take on a different meaning for accounting purposes in the SIM than they had in the prepaid card.

Since neither *Dent* nor *Martineau* nor their combination teach or suggest Applicants' invention of having multiple internally stored accounts within the wireless device that are charged based on usage and allowing the user to adjust account balances by transferring amounts amongst the internal accounts, neither *Dent* nor *Martineau*, either individually or in combination, would render any of Applicants' pending claims unpatentable for obviousness.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 092807-011500 is referred to when charging any payments or credits for this case.

Date: May 18, 2010

Respectfully submitted,

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